

## REMARKS

Claims 1, 3, 4, 7, 8, 10, 11, 13, 14, 15, and 17-25 have been amended, claims 12, 16, and 26-39 cancelled, and claim 40 added. The application now includes claims 1, 3, 4, 7, 8, 10, 11, 13, 14, 15, 17-25, and 40. Favorable consideration of this application as amended is requested.

### **Discussion of Independent Claims:**

Claim 1 is directed to a static gasket adapted to seal between a first sealing surface and an opposed second sealing surface that are secured together such that a clamp load is applied to the static gasket by the first and second sealing surfaces, the static gasket comprising: a relatively thin carrier member having a top surface facing the first sealing surface and an opposite surface facing the second sealing surface; a first stopper member located on said top surface; a second stopper member on said top surface in spaced relationship to said first stopper member; said first and second stopper members forming a cavity therebetween, with each having a height above said top surface; and an elastomeric seal member located in said cavity, said elastomeric seal member having at least one sealing bead, said sealing bead having an apex which extends from said top surface and is greater than said height of said first and second stopper members, and said apex is adapted to compress to said height of said first and second stopper members, with said first stopper member and said second stopper member preventing said seal member from being over compressed while the gasket is subjected to the clamp load from the first sealing surface and the second sealing surface.

Claim 10 is directed to a static gasket adapted for sealing between two opposed mating surfaces, said static gasket comprising: a carrier member having a top surface and an opposite surface; a first pair of stopper members on said top surface, one of said first pair of stopper members in spaced relation to the other of said first pair of stopper members, the one and the other of said first pair of stopper members having a first height above said top surface; a second pair of stopper members on said opposite surface, one of said second pair of stopper members in spaced relation to the other of

said second pair of stopper members, the one and the other of said second pair of stopper members having a second height above said opposite surface; a first elastomeric sealing member on said top surface and interposed said first pair of stopper members, said sealing member having at least one bead; and a second elastomeric sealing member on said opposite surface and interposed said second pair of stopper members, said second elastomeric sealing member having at least one sealing bead; whereby when said first and second elastomeric sealing members are adapted to be clamped between the two opposed mating surfaces under a clamp load such that, said at least one bead of said first elastomeric member is compressed to said first height and said at least one bead of said second elastomeric member is compressed to said second height, so that said first pair of stopper members and said second pair of stopper members limit the compression on said first and second elastomeric sealing members, respectively.

Claim 17 is directed to a static gasket adapted to seal between a first sealing surface and an opposed second sealing surface that are secured together such that a clamp load is applied to the static gasket by the first and second sealing surfaces, the static gasket comprising: a relatively thin carrier member with a first surface adapted to face said first sealing surface and a second surface adapted to face said second sealing surface; a first stopper member located on said first surface and having a first height above the first surface; and an elastomeric seal member formed on said first surface of said carrier member adjacent to said first stopper member and having a second height above said first surface that is greater than said first height, said first stopper member adapted to prevent said seal member from being over compressed while the gasket is subjected to the clamp load from the first sealing surface and the second sealing surface.

In the parent to this application (serial number 09/616,834), U.S. Patent 3,033,582 to Creavey was cited by the examiner. Creavey discloses a seal (10) that is bent into a "C" shape, with the open portion of the "C" facing into a joint between two high pressure pipes. This "C" shaped seal is configured to seal between sealing surfaces (20, 21) of the pipes. The outer surface (26) of the seal (10) includes an upward sealing projection (13), middle projection (16) and end projection (15) on a first arm portion (11) of the seal. A plastic layer, or preferably Teflon tape (17), is located on

the upward sealing projection (13). The same outer surface (26) also includes similar types of projections on a second arm portion of the seal.

This particular shape and configuration of the seal in Creavey is employed to seal between sealing surfaces (20 & 21) that are located on two mating high pressure pipes (18 & 19). In order to accomplish its stated purpose, Creavey specifically states that under the bolt clamping load (see figure 3), the middle projection (16) and the end projection (15) do not contact the sealing surface (21). The bolt clamping load from bolts (24) only brings together pipe flanges (22 & 23). The middle projection (16) and end projection (15) are only moved into contact with the sealing surface (21) as the pressure in the pipe builds to a high level, with this high pressure acting against the inner surface (27) of the seal, (see figures 4 and 5). Creavey purposely does not compress the upward sealing projection (13) and Teflon tape (17) to the height of the projection when a clamp load is applied – it shows a desire to allow the seal to deflect under high pressure, with the middle and end projections contacting the sealing surface only under this high pressure.

This pressure actuated type of seal is configured and operates contrary to the claimed invention in the present application. Not only does Creavey not disclose the claimed invention, but it teaches away from the claimed invention – it teaches that the middle projection and end projection should **not** be in contact with a sealing surface under a clamp load. Also, it has to be formed into some type of C-shape, with an inner surface (27) exposed to the pipe pressure and an outer surface (26) that includes sealing elements, in order to accomplish its intended function. To modify Creavey to encompass the present claimed invention would defeat a stated purpose of the configuration of Creavey – so there would not be motivation to make such a change to Creavey. Any such modification, then, would only be through hindsight reconstruction.

Moreover, nowhere does Creavey teach the use of an elastomeric seal. An elastomeric seal would have a large deformation range, thus allowing for any deformation required when the seal is subjected to the pressure from the clamp load applied by the sealing surfaces.

**Conclusion:**

In summary, the Applicant believes that each formal and substantive requirement for patentability has been met. The case is believed to be in appropriate form for allowance, which action is respectfully requested. If a telephone conference would advance the prosecution of this application or resolve any further questions, such a call is invited to Applicant's attorney, whose direct line is (734) 542-0017.